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10/568,225

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EXAMINER

PERRIN, JOSEPH L

ART UNIT

PAPER NUMBER

1792

MAIL DATE

DELIVERY MODE

12/10/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |  |                                      |  |
|------------------------------|--|--------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/568,225       | <b>Applicant(s)</b><br>LEE, PHAL JIN |  |
|                              | <b>Examiner</b><br>Joseph L. Perrin, Ph.D. | <b>Art Unit</b><br>1792              |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 1-4 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20060214</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election of Group II, claims 5-20, in the reply filed on 25 September 2008 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. Claims 1-5 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 25 September 2008.

### ***Priority***

3. The claimed priority to PCT/KR2005/001270 should be updated to include the WO publication number.

### ***Drawings***

4. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the

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applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 5-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 5, it is unclear what is meant by the controlling of the preliminary spin operation “not to be repeated” since if the spin operation is to be controlled then it necessarily must exist, i.e. be repeated. This appears to be some type of negative limitation (perhaps as a result of the translation from the foreign document) but the language as claimed is confusing and unclear as to what method steps are positively claimed as it is confusing to perform a second eccentricity measurement that leads one to repeat a first eccentricity measurement as the redundancy of repeating the eccentricity measurement operation when the eccentricity has already been detected simply does not make sense. Simply stated, there appears to be a gap between the first eccentricity measurement operation and the second eccentricity measurement operation (i.e. speed, threshold detection value, etc.) which is neither claimed nor clearly described with respect to the claimed “operation”. Clarification and correction are required.

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7. Claim 7 recites the limitation "third eccentricity measurement operation" in line 6.

There is insufficient antecedent basis for a "second eccentricity measurement operation". Thus, the claim is indefinite because it is unclear if three such operations are claimed since only two are positively recited in claims 5 and/or 7.

8. Claims 9-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 9, it is unclear what is meant by "performing an *n-th* eccentricity measurement operation". An "n-th" operation fails to particularly point out and claim the invention of applicant. Correction is required.

### ***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 5 & 8 are rejected under 35 U.S.C. 102(b) as being anticipated by applicant's admitted prior art ("AAPA") of Figure 1 in the instant application. In AAPA, there is disclosed a known controlling method of a drum type washing machine where after a conventional washing and rinsing operation via a start command inputted by a user and a procedure selected by the user (common knowledge to be the standard washing machine operation controlled by a user). AAPA further discloses performing an eccentricity measurement operation ("first eccentricity measurement") and a

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preliminary spin drying operation ("first preliminary spin drying"), re-performing the eccentricity measurement operation ("second preliminary spin drying") and controlling the spin drying operation which is not repeated ("second preliminary spin drying"), and then performing the main spin drying. It is noted that since the first and second eccentricity measurements are performed at the same speed, such recitation reads on "re-performing" a first eccentricity measurement operation as the claimed "operation" is sufficiently broad in scope and reads on any measurement whether or not it is the same speed as the claimed "operations" have no values or defining limitations (see the indefinite issues above with respect to the claimed "first" and "second" operations). Regarding claim 8, eccentricity measurements are repeated at least two times. Accordingly, AAPA reads on applicant's claimed invention.

11. Claims 5-20 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Publication No. 2003/0213070 to LEE et al. ("LEE"). LEE discloses a conventional controlling method of a drum type washing machine by performing the typical steps associated with typical washing machine operations including performing a washing and rinsing operation according to a start command inputted by a user and a procedure selected by the user (common knowledge to be the basic washing machine operation of nearly all domestic washing machines). Regarding claims 5-6 and 8, LEE also discloses performing plural eccentricity measurements (S30 & S70) with a preliminary spin dry operation (S60) thereinbetween, continuing to a main spin drying operation (S90) if the eccentricity is smaller than a threshold level (see "YES" in Figure

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6, S100) and repeating the steps including the first eccentricity measurement operation of the eccentricity is larger than a threshold level (see "NO" in Figure 6, S100). The repeating of the operations in the "NO" indication of step S100 also reads on "re-performing" the first eccentricity measurement operation as do the relatively constant spin speeds at L1 and L2. Regarding claim 7, the repeating of operation steps reads on a "third" operation. Regarding claims 9, 10, 12 & 13, the recitation of plural steps reads on "n-th" steps as best understood in view of the indefinite issue. Regarding claim 11, the number of steps is naturally automatically set when the washing operation is inputted by the user. Regarding claim 14, LEE further discloses performing a uniforming step S10 and accelerating to a rotational speed (S20) to perform the first eccentricity measurement (S30) (note that at numerous times prior to the operation, including the beginning, the drum is stationary). Regarding claims 15 & 16, the drum is decreased to a speed of the first eccentricity measurement (S30) (see S100 which repeats to perform step S30) when S70 indicates that the eccentricity value is not larger than the threshold. Regarding claim 17, manifestly the balancing operation must be repeated to balance the load or otherwise repeat (S100) until such balancing occurs to prevent the eccentric measurements from exceeding the defined threshold levels. Regarding claim 18, Figure 7 clearly shows the second preliminary spin drying speed being higher than the first. Regarding claims 19 & 20, since S100 repeats the process, the same reference value would be used for the prescribed eccentricity measurement operations, and different reference values are used for the different eccentricity measurement operations (S30 and S70) (it is common knowledge to use both repeated

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reference values and different reference values when determining eccentricity in the washing machine art, such teachings being repletely found in the washing machine art). See Figure 6 and Figure 7 of LEE, and relative associated text. Accordingly, recitation of LEE reads on applicant's invention as claimed.

### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: U.S. Patent Publication No. 2005/0076456 to LEE et al., U.S. Patent No. 6,640,372 to CIANCIMINO et al., U.S. Patent No. 6,029,299 to BAEK et al. and U.S. Patent No. 5,970,555 to BAEK et al., each disclosing a washing machine control method using plural eccentricity measurements, a preliminary spin operation and a main spin operation generally within the scope of the invention as claimed.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph L. Perrin, Ph.D. whose telephone number is (571)272-1305. The examiner can normally be reached on M-F 8:00-4:30.

14. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael E. Barr can be reached on (571)272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

15. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joseph L. Perrin/  
Joseph L. Perrin, Ph.D.  
Primary Examiner  
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JLP